

Restriction Response

Applicants provisionally elect Group I, comprising Claims 1-15 with traverse. Applicants reserve the right to pursue nonelected claims in a divisional application claiming priority to the filing date of this application. The Examiner states that Group I, claims 1-15, is “drawn to a pump,” while Group II, claims 16-22, is “drawn to a method for adjusting fluid flowing in a pump” and Group III, claims 23-25, is “drawn to system including a power steering system and vehicle.”

The Examiner claims that these groups are distinct because the product as claimed in Groups I and III are “related as combination and subcombination” which have “separate utility” because “it need not include an actuated cam formed on a cam ring.”

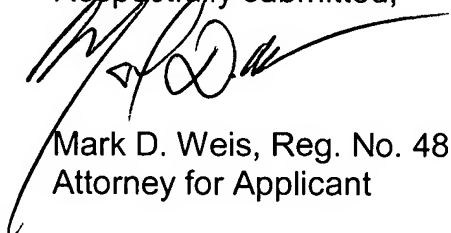
The applicant respectfully disagrees. It is possible to search the claims of Groups I and III of the present invention together due to the fact that the claimed system cannot be produced by a materially different product. In order to produce a system that is configured as claimed in claims 23-25, the apparatus as claimed in claims 1-15 would be used because the invention as claimed necessarily requires a pivotally mounted cam. The system of claims 23-25 would result from the use of the apparatus claimed in claims 1-15. A product that is materially different would not result in the same system as claimed.

The Examiner also claims that these groups are distinct because the product as claimed in Groups I and II may be produced by another and materially different product or process specifically “the method can be practiced with a materially different product, namely one without an inner cavity to define a pump suction path.”

The applicant respectfully disagrees. It is possible to search the claims of Groups I and II of the present invention together, due to the fact that the claimed product cannot be produced by a materially different process. In order to produce a structure that is configured as claimed in claims 1-15, the method as claimed in claims 16-22 would be used because a pump necessarily requires an inner cavity to define a pump suction path in order for the pump to operate. The method of claims 16-22 would result in the apparatus claimed in claims 1-15. A process that is materially different would not result in the same product as claimed.

Therefore, Applicants request that the restriction requirement be rescinded and that Groups I II and III encompassing claims 1-25 be considered in this application. Questions regarding this response can be directed to Mark D. Weis at the telephone number listed below.

Respectfully submitted,



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